

REMARKS

Amendments to the Claims

Claim 15 is new. Claim 15 specifies that the distilling temperature sufficient to cause the boron trifluoride-organic catalyst to dissociate in Claim 1 is 220 °C. Support for this new claim can be found in Examples 1-5, Paragraphs [0036]-[0043], of the application as filed. In the Examples the reaction mixtures were distilled in a laboratory vacuum distillation column at a temperature of 220 °C. No new matter has been added.

Claims 1-15 are currently pending in this application.

Rejection of Claims 1-14 Under 35 U.S.C. §103(a)

Claims 1-14 have been rejected under 35 U.S.C. §103(a) as being unpatentable over EP 0742191 (relying on equivalent U.S. Patent No. 6,075,174) to Presedo (“Presedo”). Applicants respectfully traverse this rejection and request reconsideration of Claims 1-14.

Applicants respectfully submit that Claims 1-14 are nonobvious in light of the cited reference, as all of the claim limitations have not been taught or suggested by the reference. To establish *prima facie* obviousness, there 1) must be some suggestion or motivation in the art to modify the reference; 2) must be a reasonable expectation of success and 3) the reference must teach or suggest all the claim limitations. See Graham v. Deere.

Applicants respectfully submit that Presedo does not disclose or suggest “distilling a portion of the crude PAO product ... at a *temperature sufficient* to cause the boron trifluoride-organic catalyst to *dissociate* to produce an overhead stream comprising *uncomplexed boron-trifluoride and an uncomplexed organic catalyst component*”. See Claim 1, emphasis added. Applicants are not simply separating the PAO product from the catalyst components as stated in the Office Action; rather Applicants are distilling the PAO product at a temperature sufficient to cause the boron trifluoride and the organic catalyst in the boron trifluoride-organic catalyst complex to dissociate from one another into their uncomplexed forms.

Applicants further submit that the thermal cracking stripping column used in Presedo to separate the PAO product from the catalyst components is not at a temperature sufficient to cause the boron trifluoride-organic catalyst compound to dissociate. In Presedo it states that

the product stream is to be heated to the cracking temperature which is not to exceed 80 °C. See Presedo Col 3, Lns. 43-50. Applicants respectfully submit that such temperatures below 80 °C would not be sufficient to dissociate the boron trifluoride-organic catalyst complex as claimed by Applicants in Claim 1. In Paragraph [0033] of the application as filed, Applicants have stated that suitable reaction temperatures for the formation of the PAO product can vary from -20 °C to 90 °C. These temperatures are the temperature at which the boron trifluoride-organic catalyst complex acts to catalyze the oligomers to form the PAO product; if such temperatures were also sufficient to dissociate the boron trifluoride and organic catalyst components from one another, then the complex would not be able to catalyze the reaction. Furthermore, in Applicants' Examples, the vacuum distillation column is operated at a pots bottoms pressure of 10 mmHg and a temperature of 220 °C. A temperature of 220 °C as used by Applicants in their Examples and as claimed in Claim 15, is clearly greater than the temperatures of Presedo's thermal cracking stripping column which is not to exceed 80 °C. Thus, there would be no expectation of success when using Presedo's thermal cracking stripping column as temperatures of less than 80 °C would not be sufficient to dissociate the boron trifluoride-organic catalyst complex as claimed by Applicants.

Furthermore, Applicants submit that Presedo does not teach or suggest a recycled boron trifluoride-organic catalyst having a 30% greater saturation as claimed by Applicants in Claim 1. Thus, Applicants respectfully submit that not all of the claim limitations have been taught or suggested by the reference.

Applicants respectfully submit that Presedo does not teach or suggest distillation at a temperature sufficient to dissociate the boron trifluoride-organic catalyst complex nor does it teach or suggest a recycled boron trifluoride-organic catalyst having a 30% greater saturation as claimed in Claim 1. As Claims 2-14 depend on claim 1, they should also be found to be nonobvious if Claim 1 is found to be nonobvious, as described above. See M.P.E.P. § 2143.03 citing *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988) ("If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious."). As Presedo fails to establish *prima facie* obviousness of the invention as recited in Claims 1-14, it is respectfully requested that the rejection be withdrawn.

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Atty. Docket No. 2003B092/2
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Reply to Office Action of June 27, 2008

CONCLUSION

In light of this amendment, it is believed that all of the claims now pending in this application are allowable. Accordingly, Applicants request early and favorable reconsideration in the form of a Notice of Allowance.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated, since this should expedite the prosecution of the application for all concerned.

If necessary to affect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to affect a timely response. Please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1712 (Docket # 2003B092/2).

Respectfully submitted,

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